Pacific Bell complies with its obligation to provide complete, accurate and timely reports on service usage."); id. ¶ 90 ("We also find that Pacific Bell demonstrates that it is providing carrier bills in a timely manner."). Nevada Bell also employs the same billing dispute resolution procedure as Pacific, which the Commission found "enables competing carriers to correct billing mistakes in a manner that allows them a meaningful opportunity to compete." Id. ¶ 95; see Henry/Wells Joint Aff. ¶ 19; see also PUCN Order at 122-27 ("A review of Nevada Bell's billing processes and systems, as well as the Company's performance data, demonstrates that Nevada Bell affords CLECs nondiscriminatory access to billing functions.").

From September through November 2002, Nevada Bell met both the benchmark for the timely distribution of wholesale bills and the parity standard for the distribution of usage charges in each of the three months; the same was true in California where volumes are higher. See Johnson **Aff.** ¶¶ 82-83 & n.31, 86. During the same timeframe, Nevada Bell also met or exceeded the standards in at least two of the three months on every billing accuracy submeasure with reportable data. See id. ¶¶ 84, 87-89.

e. **OSS Support**

Nevada Bell offers CLECs the same wide variety of information about, and assistance in using, its OSS – including its Local Service Center, Local Operations Center, Account Teams, CLEC OSS Training Organization, Information Services Call Center, Mechanized Customer Production Support Center, and OSS CLEC Support Team – that the Commission reviewed and approved in the California Order. See Huston/Lawson Joint Aff. ¶¶ 26-41; Henry/Wells Joint Aff. Attach. A ¶ 9; California Order ¶ 100 ("We conclude that Pacific Bell demonstrates that it provides technical assistance and help **desk** support necessary to permit competing carriers nondiscriminatory access to Pacific Bell's OSS.").

Materials and Training. As Pacific does in California, Nevada Bell provides competing carriers with the specifications necessary for those carriers to design or modify their systems in a manner that will enable them to communicate with Nevada Bell's systems and CLEC interfaces. See Huston/Lawson Joint Aff. ¶¶ 27-31; see also New York Order ¶¶ 88 n.216, 106 n.290, 127 n.364; Second Louisiana Order ¶ 113. The adequacy of Nevada Bell's documentation, which is the same as that used in California, is demonstrated by the fact that, regionwide, at least 60 competing camers have constructed EDI interfaces. See HustodLawson Joint Aff. ¶ 146; see also Kansas/Oklahoma Order ¶ 152; Texas Order ¶ 120.

Nevada Bell also offers CLECs 11 OSS classes, with 24.5 class days of training, as well as 19 workshops, which provide an additional 26.5 days of training. See HustodLawson Joint Aff. ¶ 30. This training is provided as part of the 13-state SBC training program, although the instructors who work with Nevada Bell CLECs are specifically assigned to the Pacific/Nevada Bell region. See id. ¶ 27. All of the classes and workshops use the "Train the Trainer" format, enabling CLEC employees who attend the sessions to return to their businesses with the take-home information provided and, in turn, train additional CLEC employees as appropriate. & id. ¶ 29; see also Texas Order ¶ 145.

Change Management. Nevada Bell's CMP is the same 13-state CMP that the Commission has reviewed and approved on two separate occasions. See Huston/Lawson Joint Aff. ¶¶ 140-144; California Order ¶ 96 ("Pacific Bell has shown that it uses the same change management process in California as in SBC's wider thirteen-state region . . . . We are thus able to conclude that Pacific Bell's change management process provides the documentation and support necessary to provide competitive LECs nondiscriminatory access to Pacific Bell's

OSS."); Arkansas/Missouri Order ¶ 15 & n.32. In light of the Commission's prior approvals, there can be no doubt that this CMP satisfies the requirements of the Act

Testing Environment. Nevada Bell likewise provides CLECs access to a stable testing environment that allows carriers to determine whether their OSS will interact effectively with Nevada Bell's OSS. See Huston/Lawson Joint Aff. ¶ 149. Indeed, with one limited exception, Nevada Bell's testing environment is the same as Pacific's, see id. ¶¶ 149-150, which the Commission found is "a stable test environment that mirrors its production environment." California Order ¶ 96.[20]

C. Checklist Item 3: Poles, Ducts, Conduits, and Rights-of-way

Section 271(c)(2)(B)(iii) requires a BOC to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224." 47 U.S.C. § 271(c)(2)(B)(iii). In satisfaction of this requirement, Nevada Bell has in place multiple agreements providing for access to poles, ducts, conduits, and rights-of-way, and Nevada Bell has furnished third parties with access to approximately 26,900 poles and 23,800 feet of conduit space in Nevada. See Rabideau Aff. ¶¶ 7, 9 (App. A, Tab 15).

The PUCN has not elected to regulate the rates, terms, and conditions of access to poles, ducts, conduits, and rights-of-way, so Nevada Bell's provisioning of such access is governed by this Commission's rules and regulations. See PUCN Order at 135; Rabideau Aff. ¶ 6. Nevada

[20] While the Pacific testing environment includes data for Northern California only, *the* Nevada Bell testing cnvironincnt includes data for Nevada Bell's entire serving area. See Huston/Lawson Joint Aff. ¶ 151. This difference renders irrelevant in Nevada AT&T's claim that Pacific's testing environment does not mirror the production environment because it does not include data from a particular California region (which the Commission in any case rejected). See California Order ¶ 97.

Bell meets these rules and regulations by, first, making unassigned pole, duct, conduit, or right-of-way space available to all telecommunications carriers and cable operators, on a first-come, first-served basis. See Rabideau Aff. ¶¶ 11-14. Nevada Bell also evaluates CLECs' requests for access to poles, ducts, conduits, and rights-of-way on a nondiscriminatory basis, and does not favor its future business needs over a competitor's current needs. See id. ¶ 19. Nevada Bell responds to applications within a 45-day interval and, upon confirmation that the applicant wishes to move forward, provides in writing what modifications, if any, are necessary, and what the estimated costs for those modifications will be. See id. ¶ 18. In the unusual event that Nevada Bell must deny access – for reasons of lack of capacity, safety, reliability, or generally applicable engineering purposes – it will notify the applicant, including all relevant evidence and explanations, and will do so promptly, so that alternatives may be discussed. See id. **As** the PUCN held, Nevada Bell's processes and procedures for meeting requests for access to poles, ducts, conduits, and rights-of-way accordingly "satisf[y] the requirements of this checklist item." PUCN Order at 136

D. Checklist Item 4: Unbundled Local Loops

Checklist Item 4 requires a BOC to make local loop transmission from a central office to customer premises available on an unbundled basis. See 47 U.S.C. § 271(c)(2)(B)(iv). In order to establish compliance with this checklist item, a BOC must demonstrate that it: (i) has a concrete and specific legal obligation to provide unbundled loops; (ii) is furnishing quality loops in quantities that competitors reasonably demand; and (iii) provides nondiscriminatory access to local loop transmission. *E.g.*, Kansas/Oklahoma Order ¶ 178; Texas Order ¶¶ 247-248; New York Order ¶ 269. Compliance with Checklist Item 4 is measured by reviewing Nevada Bell's loop offerings in the aggregate. See AT&T Corp. v. FCC, 220 F.3d 607,624 (D.C. Cir. 2000).

Nevada Bell fully complies with this checklist item, allowing CLECs to provide local service without matching Nevada Bell's large. sunk investments in facilities that connect each customer premises to the public switched telephone network. See PUCN Order at 137. As in California, Nevada Bell offers CLECs a range of options for obtaining these loops on a pre-assembled basis or in combination with the CLECs' existing facilities. Nevada Bell has provisioned approximately 7,200 stand-alone loops in Nevada. See J.G. Smith Aff. Attachs. A, D; compare Vermont Order ¶ 48 (noting that Verizon had provisioned approximately 750 loops in Vermont at the time of application); BellSouth Five-State Order ¶ 232 (BellSouth had provisioned 3,841 stand alone loops in Kentucky and 6,258 loops in Mississippi). In addition, Nevada Bell uses the exact same nondiscriminatory processes and procedures for the provisioning of xDSL-capable loops and related services that Pacific uses in California, and that the FCC found to be checklist-compliant in the California Order. Nevada Bell also fully complies with its obligations under the Line Sharing Order, the Line Sharing Reconsideration Order,[21] and the UNE Remand Order. See supra Part II.B.

1. Nondiscriminatory Access to Unbundled Loops Used for Advanced Services

Nevada Bell has processes and procedures in place to ensure that CLECs receive nondiscriminatory access in the pre-ordering, ordering, and provisioning of xDSL-capable loops and related services, and the HFPL. See generally Chapman Aff. These systems, which are substantively the same as those used by Pacific, have been tested through extensive commercial

[21] Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications

usage in California. Nevada Bell's performance in pre-ordering, ordering, provisioning, and maintenance of xDSL-capable loops demonstrates that Nevada Bell offers competing carriers nondiscriminatory access to xDSL-capable loops in Nevada. See Kansas/Oklahoma Order ¶¶ 182-183; Texas Order ¶ 284. Pacific's excellent record in California provides further evidence that Nevada Bell will be able to maintain its level of performance should order volumes increase.

Furthermore, Nevada Bell has implemented a fully operational separate affiliate for the provision of advanced services. SBC Advanced Solutions Inc. **("ASI")** is SBC's exclusive provider of advanced services in Nevada. See Habeeb Aff. ¶ 4 (App. **A,** Tab 7). ASI orders facilities and services from Nevada Bell using interfaces that Nevada Bell has made available to CLECs, thus providing additional assurance that the available systems and procedures allow CLECs a meaningful opportunity to compete. See id. ¶ **6.** Since line sharing became operational throughout Nevada Bell's region, moreover, ASI orders the high-frequency portion of the loop ("HFPL") using the same interfaces used by other CLECs. See id. ASI is operating in accordance with structural separation and nondiscrimination rules that the FCC established in the SBC/Ameritech Merger Order" and that accordingly "provide significant evidence" that Nevada Bell provides nondiscriminatory access to loops used for advanced services. New York Order ¶ 331

Capability, 16 FCC Rcd 2101 (2001); see also Order Clarification, Deployment Of Wireline Services Offering Advanced Telecommunications Capability, 16 FCC Rcd 4628 (2001).

[22] Memorandum Opinion and Order, Applications of Ameritech Corp., Transferor. and SBC Communications Inc., Transferee, For Consent to Transfer Control, 14 FCC Rcd 14712 (1999), vacated in part sub nom. Association of Communications Enters. v. FCC, 235 F.3d 662 (D.C. Cir. 2001).

a. Pre-Ordering and Ordering xDSL-Capable Loops

Nevada Bell's xDSL pre-ordering and ordering processes allow CLECs to offer their customers any type of xDSL service, subject only to national industry standards for spectrum management. See Chapman Aff. ¶ 5. For pre-ordering, Nevada Bell provides both unaffiliated CLECs and ASI nondiscriminatory access to actual loop make-up information through a combination of electronic and manual processes. See id. ¶¶ 13-40; Huston/Lawson Joint Aff. ¶ 03; see also, e.g., Massachusetts Order ¶ 68 (approving manual and electronic loop qualification processes). This loop "qualification" process provides CLECs with real-time electronic access to detailed information regarding the suitability of particular loops for xDSL services. See Chapman Aff. ¶¶ 25-26.

Nevada Bell provides real-time access to actual loop make-up information contained in the Nevada Bell databases, including the actual loop length and the presence of any xDSL-disturbing devices. See id. ¶ 25. When a CLEC requests loop make-up information, Nevada Bell's loop qualification software interacts with Nevada Bell's Loop Facilities Assignment and Control System ("LFACS") and searches first for a non-loaded copper loop connected to the specific customer premises for which LFACS contains actual loop make-up information. See id. ¶ 27. If a non-loaded copper loop is not found within the timeout period, Nevada Bell will return information on a loop connected to the requested location in the following priority order:

(a) loaded copper; (b) Digital Added Main Line; or (c) digital loop carrier. See id. In full compliance with Nevada Bell's obligations under the UNE Remand Order, the loop qualification system will return actual loop makc-up information for the requested location when such information is located in LFACS. See Chapman Aff. ¶¶ 10-11, 27-28; PUCN Order at 89.

To the extent that actual loop make-up information is not available, Nevada Bell provides real-time access to "designed" loop make-up information from a separate database. See Chapman Aff. ¶ 15; HustodLawson Joint Aff. ¶¶ 151-152. CLECs also have the option of requesting electronically that Nevada Bell's engineering personnel perform a manual search for the actual loop make-up information in Nevada Bell's electronic databases and paper records. See Chapman Aff. ¶¶ 17, 29-30; HustodLawson Joint Aff. ¶ 63. **As** Gwen Johnson explains in her affidavit. Nevada Bell's performance in responding to loop qualification queries is easily sufficient *to* provide CLECs a meaningful opportunity to compete. See Johnson Aff. ¶¶ 57-61 (discussing pre-order response times); see also PUCN Order at 91-92

To obtain loops for their advanced services, Nevada CLECs use ordering processes that are largely analogous to those used to order ordinary, stand-alone unbundled loops. See Chapman Aff. ¶ 4. While these order flows and interfaces are themselves nondiscriminatory, ASI now uses these same systems in order to further ensure that CLECs receive nondiscriminatory access. See Habeeb Aff. ¶ 6; Chapman Aff. ¶ 5. Nevada Bell also offers loop provisioning intervals for CLECs that are the same as or shorter than the intervals available to ASI. See Chapman Aff. ¶¶ 54-55. CLECs have the option of selecting the precise loop conditioning they desire and can even authorize (in their LSR) whatever conditioning is necessary to provision their desired service over a given loop. See id. ¶¶ 46-53

b. Line **Sharing**

Nevada Bell has implemented line sharing in accordance with this Commission's requirements, affording both data CLECs and ASI the same opportunity to share the high-frequency portion of a Nevada Bell voice line. See generally Chapman Aff. ¶¶ 61-92. After the Line Sharing Order was released, Nevada Bell participated in SBC's regionwide collaborative line sharing trial, and, now that line sharing is commercially available, SBC continues to work collaboratively with the CLECs on an ongoing basis to resolve issues as they arise. See Chapman Aff. ¶ 65. Because "Nevada Bell and Pacific Bell use the same network systems for prcordering, ordering and provisioning, including line sharing," see PUCN Order at 153, the FCC's conclusion that Pacific provides line sharing in accordance with Checklist Item **4** applies with equal force to Nevada Bell

Nevada Bell makes line sharing available to CLECs pursuant to approved interconnection agreements that fully comply with the Line Sharing Order **and** into which any CLEC can opt. See Shannon Aff. ¶¶ 22-23. A CLEC seeking alternative terms can negotiate them with Nevada Bell. See Chapman Aff. ¶ 79. CLECs may also obtain terms and conditions for xDSL-capable loops and line sharing from the multi-state generic agreement. See id. ¶ 3 & n.1; Shannon **Aff.** 721 n.3.

The pre-ordering, ordering, and provisioning processes for the HFPL UNE are similar to those for an xDSL-capable loop. See Chapman Aff. ¶¶ 4, 72. Nevada CLECs can utilize the same pre-ordering interface to obtain real-time loop make-up information for stand-alone or shared loops and to order a manual **look-up** of any actual loop make-up information not stored in Nevada Bell's electronic databases. This detailed, customer-specific information permits the data CLEC to determine whether it can provide DSL service to a particular end user via either

the HFPL UNE or a stand-alone loop. See id. ¶¶ 25, 30. When ordering an HFPL UNE, in contrast to a stand-alone xDSL-capable loop, the data CLEC must identify the Nevada Bell end user's telephone number and specify the desired arrangement for the line splitter. See id. ¶ 69. CLECs can submit HFPL orders either manually or through the electronic interfaces Nevada Bell makes available to CLECs. See id. ¶ 72.

c. Line Splitting

Nevada Bell permits CLECs to engage in line splitting using Nevada Bell's UNEs in full compliance with Commission rules. See Chapman Aff. ¶¶ 93-99. Nevada Bell supports line splitting where a CLEC purchases separate UNEs (including unbundled loops, unbundled switching, and associated cross-connects) and combines them with its own (or a partner CLEC's) splitter in a collocation arrangement. A CLEC may lease an xDSL-capable loop UNE from Nevada Bcll and use the loop to provision both data and voice services itself or in collaboration with another CLEC. See id. ¶ 94. In addition, if a CLEC seeks to engage in line splitting for an existing UNE-P voice customer, Nevada Bell will provide access to the same loop facility over which that customer currently receives service if the existing loop is xDSL-capable. See Texas Order ¶ 325. By allowing CLECs to engage in line splitting in these ways, Nevada Bell meets all FCC requirements for line splitting. See, e.g., id. ¶¶ 323-329; Kansas/Oklahoma Order ¶¶ 220-221.

d. Performance in Provisioning xDSL-Capable and Line-Shared Loops.

The Commission has identified five areas of performance that are important in a BOC's demonstration that it provides nondiscriminatory access to xDSL-capable loops, line shared loops, and related services: (i) average installation interval; (ii) missed installation appointments; (iii) quality of provisioned xDSL-capable loops and line-shared loops; (iv) timeliness and quality

of xDSL loop and line-shared loop maintenance and repair; and (v) access to pre-ordering and ordering information. See Kansas/Oklahoma Order ¶¶ 182-197; Texas Order ¶¶ 282-306; New York Order ¶¶ 334-335. Although the data are limited, Nevada Bell's performance in each of these areas has been easily sufficient to provide Nevada CLECs a meaningful opportunity to compete.

Specifically, Nevada Bell provisions xDSL-capable and line-shared loops for Nevada CLECs in a timely manner. See Johnson Aff. ¶¶ 101-103; see also PUCN Order at 147. Between September and November 2002, Nevada Bell provisioned 100 percent of stand-alone xDSL-capable loop orders within the standard interval, see Johnson Aff. ¶ 101 (Table), and, as it has for each of the past 12 months, Nevada Bell did not miss a single due date, see id. For line-shared loops, Nevada Bell's performance has also been perfect. In each of the past 12 months, Nevada Bell has provisioned 100 percent of orders within the standard interval, see id. ¶ 103, and has not missed a single due date, see id. Nevada Bell has also met the parity standard for average installation interval for line-shared loops over each of the past three months. See id.

The quality of these advanced-services loops is also impressive. See PUCN Order at 148. For new stand-alone xDSL and IDSL loop orders, Nevada Bell met or exceeded the benchmark for reported troubles within 30 days of installation during two of the past three months. See Johnson Aff. ¶ 110. Nevada Bell's performance on line-shared loops is even more impressive, as Nevada CLECs did not report trouble within 30 days for any of the line-shared loops provisioned by Nevada Bell. See id. ¶ 111.

Nevada Bell also provides data CLECs with quality and timely maintenance and repair service for advanced-services loops. The overall trouble report rate for stand-alone xDSL loops (in combination with IDSL loops, which are grouped together for purposes of the maintenance

and repair measures) has been approximately 1 percent for each of the past 12 months, far below the 5-percent benchmark. See id. ¶¶ 113-114 & Table. Moreover, Nevada Bell consistently restores reported troubles more quickly for CLECs than for ASI, and well within the estimated repair time. See id. ¶ 112. Maintenance troubles associated with line-shared loops have likewise been minimal, as no CLEC reported trouble for a single line-shared loop between September and November 2002.

Finally, with regard to ordering and pre-ordering, Nevada Bell expeditiously processes CLEC LSRs for xDSL-capable loops, line-shared loops, and related services. Nevada Bell additionally provides timely access to actual and design loop make-up information, and Nevada Bell returns manually gathered loop make-up information more quickly to CLECs than to ASI. See id.

In sum, Nevada Bell's excellent performance in provisioning xDSL-capable loops and related services demonstrates both that Nevada Bell provides nondiscriminatory access and that CLECs have a meaningful opportunity to compete in the market for advanced services in Nevada. And Pacific's performance in California, using the same processes and procedures as are used by Nevada Bell but with exponentially greater volumes, serves only to reinforce the conclusion that Nevada Bell's performance satisfies the requirements of Checklist Item 4.

e. Performance in Provisioning BRI ISDN Loops

As it does elsewhere, SBC permits CLECs in Nevada to offer IDSL service over loops designed to carry ISDN signals.[23] As the Commission recognized in the Texas Order, "the fact

[23] Nevada CLECs rarely order ISDN-BRI loops other than Nevada Bell's IDSL loop offering. Over the past three months, for example, Nevada CLECs have ordered only two traditional ISDN-BRI loops. See Johnson Aff. ¶ 117.

that competing carriers use BRI loops for IDSL service . . . makes provisioning work more difficult than that required for the ISDN service that [Nevada Bell] provisions using BRI loops." Texas Order ¶ 301; see also Chapman Aff. ¶¶ 56-60.

Nevada Bell has taken several steps to address the performance problems that stem from the technical incompatibility of some CLEC-provisioned IDSL service with the industry-standard BRI TSDN loop that Nevada Bell offers. Nevada Bell has developed a new IDSL loop offering that is now available. See id. ¶ 59. Nevada Bell also upgraded the test equipment it uses to ensure that the IDSL-capable loop product is provisioned correctly. See id. ¶ *60.*

Nevada Bell's performance on the limited volumes of IDSL-capable loops has been strong. For the three-month period ending in November, Nevada Bell installed CLEC IDSL loops roughly 2.5 days faster, on average, than it installed ISDN-BRI loops for its retail customers. See Johnson **Aff.** ¶ 104. Moreover, Nevada Bell has not missed a single due date during the past 12 months, and has met or exceeded the parity standard for percentage of IDSL loops installed within the standard interval throughout that same time period. See id. ¶ 109. And the Installation quality of IDSL-capable loops as well as Nevada Bell's maintenance and repair of those loops – both of which, as noted above, are measured together with xDSL loops – are likewise impressive. See id. ¶¶ 113-1 14; see also PUCN Order at 149

2. Nondiscriminatory Access to Stand-Alone Loops

Nevada Bell's loop offerings in Nevada include 2-wire analog loops with 8 dB or 5.5 dB loss, 4-wire analog loops, 2-wire ISDN digital-grade lines, 4-wire DSI digital grade lines, DS3 digital loops, OC digital loops, and various 2- and 4-wire loops capable of offering xDSL services. See Deere Aff. ¶¶ 78-79; Comm South Agreement, App. LJNE. Additional loop types are available through the Special Request process described in Part II.A, supra. For the small

percentage of Nevada end users served by integrated digital loop carrier ("IDLC") equipment – less than 4 percent – Nevada Bell provides unbundled loops through alternative facilities. See Deere Aff. ¶¶ 95-97. For CLECs that choose to have Nevada Bell provide loops on a physically separate basis, Nevada Bell offers cross-connects that are matched to the loop type and arrangement selected by the CLEC. See id. ¶¶ 65-69

a. **DS1 Loop** Performance

Nevada Bell's performance in provisioning high-quality DS1 loops on a timely basis has been easily sufficient to provide CLECs a meaningful opportunity to compete. **As** Gwen Johnson explains in her affidavit, Nevada Bell met the panty standard for every DS1-related provisioning submeasure between September and November 2002. See Johnson Aff. ¶¶ 119-121. During that time period, Nevada Bell's average installation interval for CLECs has been roughly half of the interval for Nevada Bell's retail operations, Nevada Bell has installed 100 percent of CLEC DS1 loop orders within the standard interval, and Nevada Bell has not missed a single DS1 due date for CLECs. See id. ¶¶ 119-120. The performance data demonstrate, moreover, that the quality of DS1 loops that Nevada Bell provisions for Nevada CLECs is high: Nevada Bell has achieved parity during each of the **past** 12 months for percentage of trouble within 30 days of installation, as CLECs reported trouble on a mere 4 percent of their DS1 loops. See id. ¶ 122. Likewise, Nevada Bell's maintenance and repair performance has been outstanding. Nevada Bell met or exceeded the applicable standard for customer trouble report rates (PM 19) during ten of the past twelve months, for frequency of repeat troubles (PM 23) during six of the past eight months, and for restoration interval during two of the past three months. See id. ¶¶ 123-124.

b. The NID and Subloop Unbundling

In addition to loops themselves, CLECs are able to obtain and use the Network Interface Device ("NID") under terms and conditions approved by the Nevada PUC. See Deere Aff. ¶¶ 54-58. CLECs may connect to the customer's inside wire at Nevada Bell's NID at no charge, or they may pay Nevada Bell to perform any NID repairs, upgrades, disconnects, or rearrangements they desire. See id. ¶ *56;* ATG Agreement, App. UNE, § 4.3. Nevada Bell also provides and connects the NID at no additional charge when CLECs order an unbundled loop. See Deere Aff. ¶ 57; ATG Agreement, App. UNE, § 4.1. Recognizing that CLECs will likely provide their own NID when serving multiple dwelling units ("MDUs"), Nevada Bell will relocate or rearrange the Nevada Bell NID at an MDU to allow access to inside wiring. See Deere Aff. ¶ 58; ATG Agreement, App. UNE, § 4.4.

CLECs also can order sub-elements of the local loop from Nevada Bell on an unbundled basis. See Deere Aff. ¶¶ 81-82; see UNE Remand Order ¶¶ 206-229. Available sub-elements include loop distribution facilities (the segment of a loop between a remote terminal and the NID or other point of demarcation), see Deere Aff. ¶ 82; fiber feeder facilities (the segment of a loop between a remote terminal served by DLC and the central office), see dark fiber, see id. ¶¶ 89-92; and the digital loop carrier, see id. ¶ 94.

c. Basic Loop Performance

Comprehensive performance measurements confirm Nevada Bell's ability to process unbundled-loop orders, to provision these loops, and to bill for them, all the while ensuring that thcsc transactions *flow* through Nevada Bell's *systems* in a timely and accurate fashion. See generally Johnson Aff. ¶¶ 20-41; see also PUCN Order at 143-46.

Nevada Bell's overall performance in the processing, provisioning, maintenance, and repair of unbundled loop requests has been easily sufficient to provide CLECs a meaningful opportunity to compete in the local market. Nevada Bell has consistently provided on-time provisioning performance to CLECs, and its missed due date rate for retail far exceeds that for CLECs. See Johnson Aff. ¶¶ 126-127. During the past three months for which data are available, Nevada Bell has installed basic UNE loops for CLECs on average in one day. See id. ¶ 128. CLECs report few provisioning problems on unbundled loops, and those they do report are resolved far more quickly than retail troubles. See id. ¶ 130. CLECs also encounter lower trouble report rates than Nevada Bell's retail operations, and Nevada Bell consistently clears those troubles that do occur within the committed interval. See id. ¶¶ 133-135.

d. Coordinated and Frame Due Time Conversions ("Hot Cuts")

Like Pacific in California, Nevada Bell offers Nevada CLECs a choice between two different methods of coordinated conversions – the coordinated "to be called cut" ("TBCC") process and the frame due time ("FDT") process – allowing CLECs to select the process that best fits their resources and priorities. See Cusolito/Henry/Johnson/Motta Aff. Attach. A ¶¶ 6-7 (App. A, Tab 4). Nevada Bell also has ample personnel resources in place to satisfy CLEC demand for either TBCC or FDT conversions, thus providing CLECs the ability to "choose freely between the [TBCC] and FDT hot cut processes." Kansas/Oklahoma Order ¶ 201; Texas Order ¶ 261.

Nevada Bell's performance in the provisioning of TBCC conversions in Nevada clearly provides CLECs a meaningful opportunity to compete. Nevada Bell has met each of the timeliness measures for coordinated cuts in each of the last 12 months, and its performance on the "outages on conversion" and "percentage troubles within 10 days" measures has likewise

been close to flawless. See Johnson Aff. ¶ 144 & Attach. B; Cusolito/Henry/Johnson/Motta Aff. ¶ 8

In addition to satisfying the comprehensive hot cut measures established by the PUCN in collaboration with the CLECs, Nevada Bell also satisfies the conversion standards that this Commission has applied in the section 271 context. See Texas Order ¶¶ 264, 270, 274. In particular, where the Commission has asked whether the BOC completes 90 percent of coordinated conversions involving 1-10 lines within one hour, see id. ¶ 264, between September and November 2002, Nevada Bell completed 100 percent of even larger orders (1-12 lines) within one hour, see Cusolito/Henry/Johnson/Motta Aff. ¶ 10. Where the Commission has asked whether CLEC end users experience outages on conversion on fewer than 5 percent of coordinated cuts, see Texas Order ¶ 270, Nevada Bell demonstrates that such outages have not affected a single TBCC order in the last three months, see Cusolito/Henry/Johnson/Motta Aff. ¶ 11. Finally, where the Commission has asked how many installation trouble reports the BOC receives within seven days, see Texas Order ¶ 274, Nevada Bell did not receive a single installation trouble report for coordinated conversions between September and November 2002, see Cusolito/Henry/Johnson/Motta Aff. ¶ 13.

While the absolute number of FDT conversions requested by Nevada CLECs has been limited, see Johnson Aff. ¶ 145, Nevada Bell's performance in performing FDT hot cuts has also been excellent.[24] In particular, Nevada Bell has completed more 90 percent of FDT conversions

[24] In the Texas and Kansas/Oklahoma proceedings, the FCC made clear that, for purposes of compliance with this checklist item, a BOC could demonstrate that it provides nondiscriminatory access to hot cut loops through a coordinated process alone. See Kansas/Oklahoma Order ¶ 201; Texas Order ¶ 272. Nevada Bell's performance in provisioning coordinated conversions alone satisfies the Commission's hot cut criteria and ensures that Nevada Bell is in compliance with Checklist Item 4.

within the standard due time, with a minimum of outages on conversion and reported troubles within seven days. See Johnson **Aff.** ¶ 145. Because Nevada Bell utilizes the same practices, procedures, and process flows for performing FDT conversions as Pacific, the Commission can also look to Pacific's stellar performance in California as further evidence that Nevada Bell provides FDT conversions in a manner that provides Nevada CLECs a meaningful opportunity to compete. See id. ¶ 146; Cusolito/Henry/Johnson/Motta **Aff.** Attach. **A** ¶¶ 39-48 & Tables 6, 8.

E. Checklist Item 5: Unbundled Local Transport

Item 5 of the competitive checklist requires Pacific to offer "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." 47 U.S.C. § 271(c)(2)(B)(v); see also 47 C.F.R. § 51.319(d). Nevada Bell provides access to both dedicated interoffice transport and shared (common) transport consistent with the FCC's unbundling requirements. See Deere Aff. ¶¶ 99-109; Shannon Aff. ¶¶ 88-90. In addition to these standard offerings, a CLEC may obtain new or additional unbundled transport elements through the BFR process. See Deere Aff. ¶¶ 71-75.

Dedicated Transport. Nevada Bell offers dedicated transport at standard transmission speeds between Nevada Bell's and CLECs' wire centers or switches. See id. ¶¶ 103-104. Nevada Bell also permits CLECs to use dark fiber as **an** unbundled element to provide dedicated transport, in conformance with the UNE Remand Order. See Deere Aff. ¶¶ 108-109.

Nevada Bell provides the necessary cross-connects to interconnect a CLEC's network to unbundled transport. See id. ¶ 70. Nevada Bell also provides all technically feasible types of multiplexing and demultiplexing. See id. ¶¶ 105-106. In addition, Nevada Bell offers CLECs the use of its Digital Cross-Connect System – which allows CLECs to exchange signals between

high-speed digital circuits without returning the circuits to analog electrical signals – with the same functionality that Nevada Bell provides to intcrexchange carriers. See id. ¶ 107.

Shared Transport. In accordance with the shared transport requirements of the Commission's UNE Remand Order, Nevada Bell makes available shared transport between Nevada Bell central office switches, between Nevada Bell tandem switches, and between Nevada Bell tandem switches and Nevada Bell central office switches. See id. ¶ 102. CLECs using shared transport have access to the same routing tables that Nevada Bell uses for its retail operations. See id. ¶¶ 102, 115. These CLECs may use shared transport to carry originating interexchange access traffic from, and terminating interexchange access traffic to, customers to whom the CLEC is providing local exchange service. See Shannon Aff. ¶ 89.[25]

Performance. CLECs have ordered very little dedicated transport in Nevada, and, in the last three months for which data are available, Nevada Bell has provisioned only one such order. See Johnson Aff. ¶ 147. In California, however, Pacific has met more than 97 percent of the reportable benchmarks or standards during that period. See id. Thus, as the PUCN concluded: "Pacific Bell's performance results certainly . . . confirm that Nevada Bell provisions, maintains and repairs transport products in a timely manner and at an acceptable level of quality." PUCN Order at 159.

[25] "Although not required under the express terms of either Checklist Item 5 or the UNE Remand Order, Nevada Bell also permits CLECs to use shared transport to route intraLATA toll traffic in Nevada through a contract amendment first made available during the pendency of the California application. See Shannon Aff. ¶ 90. The Commission described this offering as "a new, simpler process for allowing competing LECs to use shared transport to route intraLATA toll calls." California Order ¶ 138.

F. Checklist Item **6:** Unbundled Local Switching

Nevada Bell satisfies Checklist Item 6 by providing CLECs access to unbundled local switching. See 47 U.S.C. § 271(c)(2)(B)(vi). Nevada Bell provides CLECs unbundled switching capability with the same features and functionality available to Nevada Bell's own retail operations, in a nondiscriminatory manner. See Deere Aff. ¶¶ 111-126.

Available Facilities and Functions. Nevada Bell provides requesting carriers access to line-side and trunk-side switching facilities, plus the features, functions, and capabilities of the switch. See id. ¶¶ 111-114; see also Second Louisiana Order ¶¶ 207-209; Texas Order ¶¶ 336-338. Nevada Bell's offerings include, among other things, the connection between a loop termination and a switch line card, see Deere Aff. ¶ 111; the connection between a trunk termination and the trunk card, see id. ¶ 112; all vertical features the switch is capable of providing, see id. ¶ 113; and any technically feasible routing features, see id.

Nevada Bell also provides CLECs access to all call origination and completion capabilities of the switch, including capabilities for intraLATA and interLATA calls. See Shannon Aff. ¶ 91; Deere Aff. ¶ 115. Unbundled tandem switching is also available, as is packet switching where required. See Deere **Aff.** ¶¶ 122-126; see also UNE Remand Order ¶ 313. Nevada Bell provides CLECs with the necessary cross-connects for local switching. See Deere Aff. ¶ 69. Nevada Bell also furnishes CLECs with usage records that enable them to collect from their customers all retail, exchange access, and reciprocal compensation charges associated with these capabilities. See Flynn Aff. ¶ 4 & Attach. A ¶ 10.

Customized Routing. CLECs using unbundled local switching may have calls "custom routed" according to their own specifications. Under this option, which is arranged on a project-specific basis as mutually agreed by the parties, Nevada Bell uses line class codes and a class of

service screening to perform the CLEC's requested routing. See Deere **Aff.** ¶ 116; see generally id. ¶¶ 116-118.

G. Checklist Item 7: Nondiscriminatory Access to 911, E911, Directory Assistance, and Operator Call Completion Services

Nevada Bell satisfies the requirements of Checklist Item 7, 47 U.S.C. § 271(c)(2)(B)(vii), by making emergency services (E911 and 911), directory assistance ("DA"), and operator services ("OS") available to CLECs on a nondiscriminatory basis. See generally Deere Aff. ¶¶ 136-162; Nations Aff. ¶¶ 3-9 & Attach. A ¶¶ 4-15 **(App.** A, Tab 14).

E911 and 911. Nevada Bell obtains 911 and E911 data services from Pacific, and CLECs in Nevada use these same services. See Deere Aff. ¶ 127; PUCN Order at 170 ("Both Nevada Bell and the CLECs in Nevada receive their 911 and E911 services from Pacific Bell."). In the California Order, the Commission concluded that the 911 and E911 services Pacific makes available to CLECs satisfy the requirements of Checklist Item 7. See California Order ¶ 144,

Nevada Bell provides CLECs access to E911 and 911 services in Nevada through tariffs and interconnection agreements. See Deere Aff. ¶ 128. The 911 database is maintained by Pacific, which is committed to the accurate and nondiscriminatory population of the database for all customers, regardless of their telecommunications provider. See id. As the PUCN found, through its affiliation with Pacific, Nevada Bell "maintains database entries of CLECs' customers with the same accuracy and reliability that it maintains the database entries for [its] own customers." PUCN Order at 170; see Deere Aff. ¶¶ 127-152.[26]

[26] At a CLEC's request, Nevada Bell processes UNE-P and resale-based CLEC record updates upon completion of service provisioning. See Deere Aff. ¶ 132. CLECs that provide service over their own facilities or utilize UNE-loop or UNE-port only service process their own records. See id. ¶¶ 132-133.

Nevada Bell also facilitates the routing of E911 calls from the CLEC's chosen switching facilities through E911 control offices or selective routers to the appropriate Public Safety Answering Point ("PSAP"), and transmits the relevant customer information *to* the PSAP along with the E911 call. See Deerc Aff. ¶ 149. Nevada Bell provides and maintains the equipment at the E911 selective router and Pacific provides and maintains the E911 Database Management System necessary for these services. See id. ¶ 150

Finally, Nevada Bell maintains dedicated E911 circuits according to CLECs' specifications. See id. ¶ 151. Because Nevada Bell does not have access *to* calling and blockage data on CLEC-originating trunks, however, switch-based CLECs must determine the number of dedicated E911 trunks they require and place timely orders for new *trunks*. See id. As the PUCN held, Nevada Bell "provides CLECs with unbundled access to the 911 database, and interconnection including dedicated trunks from a CLEC's switching facilities to the Nevada Bell Control Office, on a parity basis." PUCN Order at 170-71.

Directory Assistance/Operator Services. Nevada Bell's OS/DA offerings – which allow CLECs (including both facilities-based carriers and resellers) to obtain access to OS/DA, OS/DA call completion, call branding, and rate quotation services – are for all practical purposes identical to Pacific's. See generally Nations Aff. ¶ 4. CLECs may use customized routing to provide OS/DA services to their customers or route their customers' OS/DA calls to themselves or a third-party provider, see id. Attach. A ¶ 11, or, alternatively, Nevada Bell can provide these services. Pricing for OS/DA services is market-based. &&Attach. A ¶ 14; see also UNE Remand Order ¶ 446 (concluding that OS/DA need not be offered pursuant to section 251(c)(3) where customized routing is available).

Where CLECs opt tu have Nevada Bell provide OS/DA services, the CLECs' end users obtain OS/DA through the same dialing arrangements used by Nevada Bell's own end users. See Nations Aff. Attach. A ¶ 7; see also 47 C.F.R. § 51.217. Nevada Bell ensures nondiscriminatory access to OS/DA by processing all calls from all customers on a first-come, first-served basis, and it offers call branding to all CLECs – including resellers, UNE-P providers, and facilities-based camers – electing to use Nevada Bell as their wholesale OS/DA provider. & Nations Aff. Attach. A ¶ 8

CLECs that provide their own DA services can obtain direct access to Nevada Bell's DA database, obtaining listing information by searching the same DA database on a query-by-query basis in the same format that Nevada Bell's DA operators use. See id. Attach. A ¶ 13. In addition, Nevada Bell provides **DA** listings in bulk with daily updates to CLECs that want to utilize Nevada Bell's DA listings to provide DA services to their own customers. See id. Attach. A ¶ 12. All DA listings in Nevada Bell's DA database are available to requesting CLECs in Nevada. See id.; see also Second Louisiana Order ¶ 248.

Nevada Bell has put in place performance measures to assess the accuracy and timeliness of its database updates. See Johnson Aff. ¶¶ 152-156. From September through November 2002, Nevada Bell met or exceeded each submeasure associated with this checklist item. See id.

H. Checklist Item 8: White Pages Directory Listings

Nevada Bell makes White Pages directory listings available to CLECs and their customers according to the same Commission-approved practices and procedures as Pacific employs. See Nations Aff. ¶ 5; California Order ¶ 144. Nevada Bell lists CLECs' and Nevada Bell's customcrs on the same basis in Nevada Bell's White Pages directories, and CLEC customers receive copies of these directories in a nondiscriminatory manner during the annual

distribution of newly published books. See Nations Aff. Attach. A ¶¶ 16-18. In addition, CLECs have the same listing options for their customers as Nevada Bell offers to its retail customers. See id. Attach. A ¶¶ 17-18. As with database updates generally, see supra Part II.G, from September through November 2002, Pacific met or exceeded the prescribed standards of performance for the submeasures associated with White Pages directory listings. See Johnson Aff. ¶¶ 152-156. Nevada Bell has accordingly "demonstrated that it fully complies with the requirements of Checklist Item 8." PUCN Order at 179.

I. Checklist Item 9: Nondiscriminatory Access to Telephone Numbers

Nevada Bell administered telephone numbers in Nevada until that role was assumed by Lockheed Martin. See E. Smith Aff. ¶¶ 4-5 & Attach. A ¶ 9 (App. A, Tab 18). That role was subsequently assumed by NeuStar, Inc. Since completion of this transition of authority, Nevada Bell has had no responsibility for number administration. Although it is no longer a central office code administrator, and no longer performs any functions with regard to number administration or assignment, Nevada Bell (as a service provider) continues to adhere to numbering administration rules and industry guidelines. See id. Attach. A ¶ 9.

J. Checklist Item 10: Nondiscriminatory Access to Databases and Associated Signaling Necessary for Call Routing and Completion

Nevada Bell offers CLECs the same access to signaling and call-related databases as Nevada Bell has, allowing calls to or from CLEC customers to be set up and routed on a nondiscriminatory basis. See Deere Aff. ¶¶ 153-167. As the PUCN found, Nevada Bell accordingly satisfies the checklist's requirements for affording nondiscriminatory access to these components of Nevada Bell's network. See 47 U.S.C. § 271(c)(2)(B)(x); 47 C.F.R. § 51.319(e); PUCN Order at 182-87.

When a CLEC purchases unbundled local switching from Nevada Bell, it obtains the same access to Nevada Bell's signaling network as Nevada Bell itself enjoys. See Deere Aff. ¶ 155. CLECs can use this unbundled access to furnish SS7-based services for their own end-user customers' calls or the calls of end-user customers of other carriers. %id. ¶¶ 154-156. SS7 signaling is available between CLEC switches, between CLEC switches and Nevada Bell switches, or between CLEC switches and the networks of other carriers connected to Nevada Bell's SS7 network. See id. ¶ 154. Nevada Bell also provides CLECs with nondiscriminatory access to its toll-free calling database, consistent with Commission rules. See id. ¶¶ 159-160.

K. Checklist Item 11: Number Portability

Checklist Item 11 "requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251." California Order ¶ 104. As the affidavit of Eric Smith describes, Nevada Bell does so in the same manner as Pacific does in California. See E. Smith Aff. Attach. ¶¶ 4-5. Nevada Bell has timely implemented LNP using the Location Routing Number ("LRN") method "preferred' by the FCC. Second Report and Order, Telephone Number Portability, 12 FCC Rcd 12281, ¶ 9 (1997); see E. Smith Aff. Attach. A ¶ 14. By December 31, 1999, Nevada Bell had equipped all of its switches with LNP capabilities, see E. Smith Aff. ¶ 6, and the PUCN has found that Nevada Bell meets the requirements of this checklist item, see PUCN Order at 189-93.

To minimize disruptions of service while numbers are being ported, Nevada Bell uses an unconditional IO-digit trigger ("UCT") process. See E. Smith Aff. Attach. A ¶ 14.[27] UCT is

[27] The UCT process is available for all orders except Direct Inward Dial ("DID'), Private Branch Evchangc ("PBX"), Integrated Service Digital Network Primary Rate Interface ("ISDN PRI"), arid Automatic Call Distribution ("ACD"); on these orders, Nevada Bell will conduct